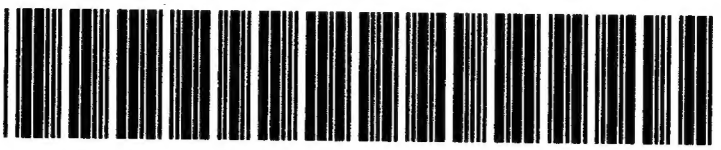

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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Feb-09-2016 3:41 pm

Case Number: CGC-15-549063

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COMPLAINT

CITY AND COUNTY OF SAN FRANCISCO, ET AL VS. JOEL ELLIOTT ET AL

001C05164816

Instructions:
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SUMMONS
(CITACION JUDICIAL)

ORIGINAL

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: JOEL ELLIOTT, and DOES ONE
(AVISO AL DEMANDADO): through FIFTY,

YOU ARE BEING SUED BY PLAINTIFF: CITY AND COUNTY OF SAN
(LO ESTÁ DEMANDANDO EL DEMANDANTE): FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DENNIS J. HERRERA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ***¡AVISO!*** *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a* continuación

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), *en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), *en el Centro de Ayuda de las Cortes de California,* (www.sucorte.ca.gov) *o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
400 McAllister Street, Room 103
San Francisco, CA 94102

CASE NUMBER: (Número del Caso): CGC-15-549063

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
DENNIS J. HERRERA, City Attorney (SBN 139669) 415-554-3824 415-437-4644
MICHAEL S. WEISS, Deputy City Attorney (SBN 168378)
1390 Market Street, Sixth Floor
San Francisco, CA 94102

DATE: *(Fecha)* NOV 19 2015 CLERK OF THE COURT Clerk, by *(Secretario)* Arlene Ramos ARLENE RAMOS, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL] SUPERIOR COURT OF CALIFORNIA EUREKA COUNTY OF SAN FRANCISCO

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
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SUM-100 [Rev. July 1, 2009]

SUMMONS

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ORIGINAL

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Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

FILED
Superior Court of California
County of San Francisco
NOV 19 2015
CLERK OF THE COURT
BY: Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DENNIS J. HERRERA, Plaintiffs, vs. JOEL ELLIOTT, and DOES ONE through FIFTY, Defendants.	Case No. CGC-15-549063 COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF Type of Case: (42) Other Complaint Attached Documents: Exhibits A-M

The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, (the "City") and the PEOPLE OF THE STATE OF CALIFORNIA (the "People"), by and through San Francisco City Attorney Dennis J. Herrera (collectively, "Plaintiffs"), bring this lawsuit against JOEL

ELLIOTT, an individual ("Defendant" or "Elliott"), and DOE ONE through DOE FIFTY, inclusive (collectively, "Defendants"), and hereby alleges as set forth below:

I. INTRODUCTION

1. This action arises out of Defendant's ownership, maintenance, operation, and management of the property located at 517-519 Sanchez Street (the "Property"), in persistent violation of state and local health and safety codes and as a public nuisance that substantially endangers the health, welfare, and safety of the neighbors, the residents of the City of San Francisco, and the People of the State of California.

2. Since at least June 2010, Defendant has been maintaining the Property in a substandard condition and in violation of the San Francisco Housing and Building Codes. Defendant has failed to comply with Notices of Violation that were issued by the Department of Building Inspection on June 18, 2010, October 23, 2013, January 14, 2014, March 14, 2014, and April 7, 2014, for violations such as exterior staircases and railings torn down and rebuilt without permits, lack of heat, habitability issues, and being an unsafe building. Defendant has also failed to comply, and continues to fail to comply, with Orders of Abatement that were issued by the Director of the Department of Building Inspection on or about May 28, 2013, December 19, 2013, April 17, 2014, April 18, 2014, July 3, 2014, and March 11, 2015. Each Order of Abatement has declared Defendant's Property a public nuisance and commanded Defendant to abate the violations.

3. Since at least 2012, Defendant's Property has become known in the neighborhood as a "drug house," a place where controlled substances, including methamphetamines and heroin are sold, stored and used. In January 2012, the San Francisco Police Department ("SFPD") seized a large quantity of narcotics, including methamphetamine, marijuana, cocaine and other controlled substances, as well as indicia of trafficking, including a digital scale, packaging, and a large sum of cash in mixed denominations from the Property. At the time, Defendant blamed the incident on a tenant who he claimed was no longer living at the Property. Defendant was then warned that he faced civil liability for allowing the Property to be used to sell or store narcotics. In January 2015, the SFPD executed a search warrant, and seized from the Property large quantities of crystal methamphetamine, heroin, a gun, cash, and other indicia of drug sales, storage and use. SFPD

arrested eight people at the Property, including Defendant, and several of Defendant's tenants, in connection with drug seizure.

4. By maintaining the Property in violation of state and local health and safety laws and as a public nuisance, Defendant has engaged, and continues to engage in unlawful business practices as prohibited by Business and Professions Code sections 17200 through 17210.

II. PARTIES AND SUBJECT PROPERTY

5. Plaintiff CITY AND COUNTY OF SAN FRANCISCO is a municipal corporation, organized and existing under and by virtue of the laws of the State of California.

6. Plaintiff CITY AND COUNTY OF SAN FRANCISCO brings this action under the San Francisco Housing and Building Codes, California Health and Safety Code sections 17910 through 17998.3 (the "State Housing Law"), California Civil Code sections 3479, 3480, 3491, and 3494, and California Code of Civil Procedure section 731.

7. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the City and County of San Francisco, brings this action pursuant to Health and Safety Code sections 11570 through 11587 (the "Drug Abatement Act"), Business and Professions Code sections 17200-17210 (the "Unfair Competition Law"), Civil Code sections 3479, 3480, 3491, and 3494, and Code of Civil Procedure section 731.

8. At all times herein mentioned, Defendant JOEL ELLIOTT has been the legal owner, lessor, operator, manager, and maintainer of the real property, and all buildings and other improvements located at 517-519 Sanchez Street, Block 3585, Lot 065, in the City and County of San Francisco, State of California.

9. Defendant JOEL ELLIOTT is sued in his capacity as the owner of the Property and the person committing the acts alleged in this Complaint or the person directing or allowing others to commit the acts alleged in this Complaint.

10. Defendants DOE ONE through DOE FIFTY are sued herein under fictitious names. At this time, Plaintiffs do not know the true names and capacities of these defendants, but pray that the same may be inserted when ascertained.

11. At all times herein mentioned, each Defendant was an agent, servant, employee, partner, franchisee, and joint venturer of the other Defendant, and at all times was acting within the course and scope of the agency, service, employment, partnership, franchise, and joint venture.

12. Actions taken or omissions made by Defendant's employees, agents, or representatives in the course of their employment, agency or representation shall be considered actions or omissions of Defendant for purposes of this Complaint.

13. Whenever reference is made in this Complaint to any act or omission of "Defendant," such allegation shall mean that each Defendant did or authorized the act or omissions, recklessly and carelessly failed and omitted to supervise, control, or direct other persons who engaged in the act or omission.

III. GENERAL ALLEGATIONS

14. On or about May 12, 1995, Defendant ELLIOTT purchased the Property at 517-519 Sanchez Street, in San Francisco's Castro District. Since then, Defendant has owned, operated, leased, maintained, and managed the Property, a two-story, Victorian-era residential building, consisting of two legal units, built in 1905. The Property is more particularly described in Exhibit A, attached hereto and incorporated as part of this Complaint.

15. At all times herein referenced, Defendant ELLIOTT's address of record, as listed at the San Francisco Assessor's Office has been the Property: 519 Sanchez Street, San Francisco, California 94114.

A. PUBLIC NUISANCE BASED ON DRUG TRAFFICKING AND USE

16. Since at least 2012, to the present, the Property has been the subject of numerous complaints from occupants and neighbors regarding illegal, injurious, offensive, annoying and disruptive activities, including, but not limited to: illegal and dangerous trafficking of controlled substances, illegal and dangerous use and abuse of controlled substances, and other disturbances of the peace.

17. Defendant ELLIOTT's ownership, maintenance, management, and operation of the Property as a public nuisance has attracted persons to the premises and to the areas adjacent to the Property for the purposes of illegal trafficking and use of dangerous controlled substances, and

other disturbances of the peace. This conduct is annoying, disturbing, and dangerous to the neighborhood and is offensive to the senses of the neighbors, merchants and visitors.

18. Defendant ELLIOTT's ownership, maintenance, management, and operation of the Property as a public nuisance has caused harm to the public health, safety, and welfare, and has been a strain on limited police and other city services. Repeatedly responding to calls for service for illegal and other nuisance activities at the Property prevents the police from adequately policing other parts of the district.

1. January 2012 Drug Arrest and Seizures at the Property

19. On or about January 5, 2012, at 12:06 a.m., SFPD officers responded to 519 Sanchez regarding a complaint of a trespasser in the house with a gun. According to SFPD Incident Report #120011195, Defendant ELLIOTT called police and advised dispatch to send police to the downstairs unit, 517 Sanchez, to contact his downstairs tenant Richard "Richie" Minnier. SFPD went to Unit 517 where they found tenant Minnier, a guest Jessica (who had an outstanding no-bail parole warrant), and a significant amount of methamphetamine, cocaine, ketamine, other narcotics, a digital scale, and more than $1,000 in mixed denominations, mostly twenty dollar bills. SFPD observed that the door connecting Unit 517 to Unit 519 was unlocked. While officers were investigating Unit 517, another officer went to Unit 519 and found Defendant ELLIOTT hiding in a closet.

20. On January 19, 2012, at 3:05 p.m., SFPD served a search warrant at 517 Sanchez, where they found a syringe loaded with suspected methamphetamine, a vial of fentanyl (a narcotic and opioid), suspected marijuana, and a digital scale.

21. On or about January 31, 2012, the San Francisco City Attorney's Office ("CAO"), sent a letter ("2012 letter") to Defendant ELLIOTT to inform him that the City had received and substantiated complaints of narcotics activity at the Property, had reviewed police reports showing that controlled substances including methamphetamine and cocaine had been seized from the Property by the SFPD, and requested him to respond. Defendant ELLIOTT responded by telephone, and claimed that the nuisance had been abated in that the narcotics that were seized by SFPD belonged to a guest who was no longer living there. Defendant also represented that his

mortgage lender had initiated foreclosure proceedings, and that he was going to put the Property on the market.

2. January 2015 Drug Arrest and Seizure at the Property

22. On or about January 27, 2015, at 7:57 p.m., SFPD executed a search warrant at 519 Sanchez Street. According to SFPD Incident Report #150083700, SFPD arrested eight people, including Defendant and some of his tenants, and seized the following: 5.2 grams of heroin from a tenant's pocket, 4.8 grams of heroin hidden in a backyard planter box, 10.3 grams of methamphetamine from a jacket sleeve on a bed, a loaded firearm from a table, a box of plastic baggies, a digital scale, a cell phone, a Tupperware container containing 153 grams of methamphetamine on top of a dresser, 6.4 grams of marijuana from a table, a cell phone case containing 28.4 grams of methamphetamine, 11.2 grams of methamphetamine inside a jacket, 16.3 grams of marijuana in a clear plastic bag, 7.7 grams of methamphetamine from a desk drawer, 6.4 grams methamphetamine in a resident's shoulder bag, and $1,600 in cash.

B. PUBLIC NUISANCE BASED ON SUBSTANDARD HOUSING

23. Since at least June 2010 to the present, Defendant ELLIOTT's Property has been the subject of complaints from tenants and neighbors regarding persistent housing and/or building code violations and other substandard conditions.

24. Since at least June 2010, Defendant ELLIOTT's ownership, maintenance, management, and operation of the Property as a public nuisance, has caused the City to expend substantial resources investigating complaints of substandard conditions and violations of the San Francisco Housing and Building Codes.

25. Since at least June 2010, the San Francisco Department of Building Inspection ("DBI") has conducted numerous inspections and reinspections of Defendant ELLIOTT's Property, has issued more than ten Notices of Violation, has conducted six Director's Hearings, and has issued, posted, and recorded six Orders of Abatement.

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1. FIRST DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201052431)

26. On or about June 17, 2010, DBI received telephone complaint of that the exterior front stairway had been torn down without permit, then rebuilt without permit.

27. On or about June 18, 2010, DBI issued a Notice of Violation ("First NOV"), requiring that all work be stopped, that a permit for the stairs be applied for within 30 days, the permit obtained within 60 days, and all work complete within 90 days, including final inspection and sign off. A true and correct copy of the First NOV is attached hereto as Exhibit B and incorporated as part of this Complaint.

28. Defendant ELLIOTT failed to timely comply with the First NOV and DBI issued a Notice of Director's Hearing ("First Hearing Notice"), and set the hearing for April 23, 2013. A copy of the First Hearing Notice was sent, via certified mail, to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place on the Property.

29. On or about April 10, 2013, Defendant ELLIOTT sent DBI a letter requesting a continuance of the Director's Hearing. DBI issued a Notice of Continued Director's Hearing setting the hearing on May 28, 2013.

30. On or about May 28, 2013, DBI held a Director's Hearing, at which Defendant ELLIOTT was not represented. On May 30, 2013, DBI issued an Order of Abatement ("First Order"), declaring the Property a public nuisance and ordering Defendant ELLIOTT to obtain a building permit and abate the remaining code violations within 30 days, including final inspection approval for front stairs replacement. A copy of the First Order was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place on the Property. A true and correct copy of the First Order is attached hereto as Exhibit C and incorporated as part of this Complaint.

31. Defendant ELLIOTT did not timely appeal the First Order, and DBI caused the First Order to be recorded against title to the Property.

32. As of November 13, 2015, the violations remain outstanding.

2. SECOND DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201326451)

33. On or about October 23, 2013, following an inspection of the Property prompted by a complaint, DBI issued a Notice of Violation ("Second NOV") for a variety of Housing Code violations, including, but not limited to: peeling exterior paint at the front of building, broken windows, missing carbon monoxide detectors, disabled smoke detector, exposed wiring, repair interior door and lock, inadequate weather seal at the front entry door, and disabled dead latch at front entry door. The Second NOV gave Defendant ELLIOTT thirty days to complete all items, and set a reinspection for November 22, 2013. The Second NOV specified that at the reinspection, Defendant would be required to demonstrate that the heating system in Unit #519 worked properly, that there were receptacles for trash, compost and recycle, and that the ceiling fixture and wall sconces worked properly. A true and correct copy of the Second NOV is attached hereto as Exhibit D and incorporated as part of this Complaint.

34. On or about November 22, 2013, DBI attempted to conduct a reinspection, but was unable to gain entry when neither Defendant ELLIOTT nor his agent provided access, as required.

35. Defendant ELLIOTT failed to timely comply with the Second NOV and DBI issued a Notice of Director's Hearing ("Second Hearing Notice), and set the Director's Hearing for December 19, 2013. A copy of the Second Hearing Notice was mailed via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place on the Property.

36. On December 19, 2013, DBI held a Director's Hearing, at which Defendant ELLIOTT was represented. On January 2, 2014, DBI issued an Order of Abatement ("Second Order"). The Second Order declared the Property a public nuisance, and ordered Defendant ELLIOTT to complete all work within 15 days. A copy of the Second Order was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place on the Property. A true and correct copy of the Second Order is attached hereto as Exhibit E, and incorporated as part of this Complaint.

37. Defendant ELLIOTT did not timely appeal the Second Order, and DBI caused the Second Order to be recorded against title to the Property.

38. As of November 13, 2015, the violations remain outstanding.

3. THIRD DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201447071)

39. On or about December 23, 2013, the City Attorney's Office sent a letter to Defendant ELLIOTT, informing him that the City Attorney's Office had received complaints of substandard housing and nuisance conditions at the Property. Defendant ELLIOTT was notified that a Code Enforcement Task Force Inspection would take place on January 9, 2014.

40. Following the January 9, 2014 Code Enforcement Task Force Inspection, DBI issued a Notice of Violation ("Third NOV") on January 14, 2014, for Housing Code violations, including, but not limited to: lack of handrails on stairs (requiring building permit), damage to main front stairs, and a lack of proper locks and latches on doors. The Third NOV required permits be obtained and all work done within 30 days, with a reinspection scheduled for February 21, 2014. A true and correct copy of the Third NOV is attached hereto as Exhibit F and incorporated as part of this Complaint.

41. On February 21, 2014, DBI conducted a reinspection of the Property and found that no work had been completed, and none of the items cited in the Third NOV had been cured.

42. Defendant ELLIOTT failed to timely comply with the Third NOV and DBI issued a Notice of Director's Hearing ("Third Hearing Notice"), setting the Director's Hearing for April 3, 2014. A copy of the Third Hearing Notice was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place at the Property.

43. On or about April 3, 2014, DBI held a Director's Hearing, at which Defendant ELLIOTT was represented. Following the hearing, DBI issued an Order of Abatement ("Third Order"), declaring the Property a public nuisance and ordering Defendant ELLIOTT to obtain permits and complete all work within seven days. A copy of the Third Order was sent via certified mail to the address of record with the San Francisco Assessor's office, and another copy was posted

in a conspicuous place on the Property. A true and correct copy of the Third Order is attached hereto as Exhibit G and incorporated as part of this Complaint.

44. Defendant ELLIOTT did not timely appeal the Third Order, and DBI caused the Third Order to be recorded against the title to the Property.

45. DBI reinspected the Property again on May 1, 2014, and found that only one dead latch had been installed on the door to Unit #519, and all the remaining violations were still outstanding.

46. As of November 13, 2015, the violations remain outstanding.

4. FOURTH DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201457513)

47. On March 14, 2014, following an inspection of the Property prompted by a complaint about lack of heat, DBI issued a Notice of Violation ("Fourth NOV") for Housing Code violations, including, non-functioning heating system. The Fourth NOV required that the heating system be repaired or replaced within three days, with a reinspection scheduled for March 18, 2014. A true and correct copy of the Fourth NOV is attached hereto as Exhibit H and incorporated as part of this Complaint.

48. On March 18, 2014, DBI conducted a reinspection of the Property and found that no work had been completed and the heater was not working. On March 26, 2014, DBI conducted another reinspection and found that no work had been completed, and the heater was not working.

49. Defendant ELLIOTT failed to timely comply with the Fourth NOV and DBI issued a Notice of Director's Hearing ("Fourth Hearing Notice"), setting the Director's Hearing for April 17, 2014. A copy of the Fourth Hearing Notice was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place at the Property.

50. On or about April 17, 2014, DBI held a Director's Hearing, at which Defendant ELLIOTT was not represented. Following the hearing, DBI issued an Order of Abatement ("Fourth Order"), declaring the Property a public nuisance and ordering Defendant ELLIOTT to complete all work within seven days. A copy of the Fourth Order was sent via certified mail to the address of

record with the San Francisco Assessor's office, and another copy was posted in a conspicuous place on the Property. A true and correct copy of the Fourth Order is attached hereto as Exhibit I, and incorporated as part of this Complaint.

51. Defendant ELLIOTT did not timely appeal the Fourth Order, and DBI caused the Fourth Order to be recorded against the title to the Property.

52. As of November 13, 2015, the violations remain outstanding.

5. FIFTH DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201464831)

53. On April 7, 2014, following an inspection of the Property, DBI issued a Notice of Violation ("Fifth NOV") for Housing Code violations, including, but not limited to: missing smoke detectors, improper electrical wiring, deteriorated drainage pipes, and trash and debris in yard. The Fifth NOV required Defendant to obtain electrical and plumbing permits and complete all work within 30 days, with a reinspection scheduled for May 7, 2014. A true and correct copy of the Fifth NOV is attached hereto as Exhibit J and incorporated as part of this Complaint.

54. On May 7, 2014, DBI attempted to conduct a reinspection of the Property but was unable to gain entry because the owner failed to provide access. On the same day, DBI sent a Final Warning Letter to Defendant ELLIOTT. On May 21, 2014, DBI conducted a reinspection of the Property and found that five of the six violations contained in the Fifth NOV were still outstanding.

55. Defendant ELLIOTT failed to timely comply with the Fifth NOV and DBI issued a Notice of Director's Hearing ("Fifth Hearing Notice"), setting the Director's Hearing for July 3, 2014. A copy of the Fifth Hearing Notice was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place at the Property.

56. On or about July 3, 2014, DBI held a Director's Hearing, at which Defendant ELLIOTT was not represented. Following the hearing, DBI issued an Order of Abatement ("Fifth Order"), declaring the Property a public nuisance and ordering Defendant ELLIOTT to obtain permits and complete all work within seven days. A copy of the Fifth Order was sent via certified mail to the address of record with the San Francisco Assessor's office, and another copy was posted

in a conspicuous place on the Property. A true and correct copy of the Fifth Order is attached hereto as Exhibit K, and incorporated as part of this Complaint.

57. Defendant ELLIOTT did not timely appeal the Fifth Order, and DBI caused the Fifth Order to be recorded against the title to the Property.

58. As of November 13, 2015, the violations remain outstanding.

6. SIXTH DBI NOTICE OF VIOLATION/ORDER OF ABATEMENT (Case No. 201464951)

59. On April 7, 2014, following an inspection of the Property, DBI issued a Notice of Violation ("Sixth NOV") for Housing Code violations, including, but not limited to: construction work without permit, windows installed and framing work installed without permit, siding installed in a substandard manner, heating unit installed improperly, without permit, and in substandard manner. The Sixth NOV required Defendant to obtain building, electrical and plumbing permits and complete work, including permit signoffs within 60 days. A true and correct copy of the Sixth NOV is attached hereto as Exhibit L and incorporated as part of this Complaint.

60. Defendant did not timely comply with the Sixth NOV, and DBI issued a Notice of Director's Hearing ("Sixth Hearing Notice"), setting the Director's Hearing for February 5, 2015. A copy of the Sixth Hearing Notice was sent via certified mail to the address of record with the San Francisco Assessor's Office, and another copy was posted in a conspicuous place at the Property.

61. On January 14, 2015, DBI sent a Final Warning Letter to Defendant ELLIOTT, and set a reinspection date of January 28, 2015. On January 28, 2015, DBI attempted to conduct a reinspection was Defendant ELLIOTT failed to provide access.

62. On or about February 5, 2015, DBI held a Director's Hearing, at which Defendant ELLIOTT was represented. Following the hearing, DBI issued an Order of Abatement ("Sixth Order"), declaring the Property a public nuisance and ordering Defendant ELLIOTT to obtain permits and complete all work within 21 days. A copy of the Sixth Order was sent via certified mail to the address of record with the San Francisco Assessor's office, and another copy was posted in a conspicuous place on the Property. A true and correct copy of the Sixth Order is attached hereto as Exhibit M and incorporated as part of this Complaint.

63. Defendant ELLIOTT did not timely appeal the Sixth Order, and DBI caused the Sixth Order to be recorded against the title to the Property.

64. As of November 13, 2015, the violations remain outstanding.

65. Defendant ELLIOTT continues to maintain the Property as a public nuisance and in a substandard condition in violation of the San Francisco Housing and Building Codes, the California Civil Code, the California Health and Safety Code, and the California Business and Professions Code.

66. At the time of trial, Plaintiffs will move the Court to amend this Complaint to include any conditions discovered after the filing of this Complaint.

FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS BASED ON THE STORAGE AND SALE OF NARCOTICS AT THE PROPERTY (Health and Safety Code Sections 11570 through 11587)

67. Plaintiff PEOPLE hereby incorporates by reference Paragraphs 1-66, and makes them part of this First Cause of Action, as though fully set forth herein.

68. The Property is being, and, for a considerable period of time prior to commencement of this action, has been used for the purposes of unlawfully selling, serving, storing, manufacturing, consuming or giving away controlled substances in violation of section 11570 of the California Health and Safety Code, which deems such conduct a nuisance as a matter of law.

69. Defendant ELLIOTT, as owner and manager of the Property, and his agents, are, and for a considerable period of time prior to the commencement of this action, have been, directly or indirectly maintaining or permitting the Property to be used for the unlawful sale, service, storage, possession, manufacture, consumption, or distribution of controlled substances, resulting in a continuous public nuisance.

70. Unless Defendant ELLIOTT is perpetually enjoined by an order of this Court to close the Property for one year pursuant to California Health and Safety Code section 11581(b); and, to pay civil penalties for $25,000 for violation of Health and Safety Code section 11570 pursuant to Health and Safety Code section 11581; or pay damages in an amount equal to the fair market rental value of the Property for one year to the City and County of San Francisco for the

purpose of carrying out drug prevention and education programs pursuant to Health and Safety Code section 11581 (c), Defendant ELLIOTT will continue to directly and indirectly use and maintain the Property as a public nuisance, and by such conduct, continue to cause irreparable injury to the People of the State of California and the residents of the City and County of San Francisco.

71. Plaintiff PEOPLE have no adequate remedy at law in that damages alone are insufficient to protect the public from the present injury and harm caused by the conduct described herein.

SECOND CAUSE OF ACTION FOR VIOLATION OF THE STATE HOUSING LAW BROUGHT BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS (Health and Safety Code Sections 17910-17998.3)

72. Plaintiff CITY hereby incorporates by reference Paragraphs 1-71 above, and makes them a part of this Second Cause of Action, as though fully set forth herein.

73. Defendant ELLIOTT now is, and for a considerable period of time heretofore, and at all times herein mentioned has been, maintaining the Property as a substandard building as defined by Health and Safety Code Section 17920.3, which endangers the life, limb, health, property, safety, or welfare of the public. The conditions creating said substandard building are the ongoing violations of the San Francisco Housing and Building Codes.

74. At all times herein mentioned Defendant ELLIOTT had notice and knowledge that said premises constituted a substandard building because he was repeatedly served with administrative Notices and Orders issued by DBI.

75. Plaintiff CITY has no adequate remedy at law in that damages are insufficient to protect the public from the harm caused by the conditions described above.

76. Unless injunctive relief is granted, the residents of the Property and the residents of San Francisco generally, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of life and the free use of property.

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THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS

COUNT ONE
PUBLIC NUISANCE PER SE
(San Francisco Housing and Building Codes)

77. Plaintiff City hereby incorporates by reference Paragraphs 1-76 above, and makes them a part of this Third Cause of Action, Count One, as though fully set forth herein.

78. Plaintiff City brings this cause of action pursuant to San Francisco Housing Code Sections 204(c)(2), 401, and 1001, and San Francisco Building Code sections 102 and 103.

79. Defendant ELLIOTT is now, and for a considerable period of time heretofore, and at all times herein mentioned has been, maintaining the Property in violation of the San Francisco Housing Code. Pursuant to San Francisco Housing Code section 401, any condition that is dangerous to human life or is detrimental to health or is a fire hazard, or any building that has insufficient ventilation or illumination or inadequate or unsanitary sewage or plumbing facilities, or any substandard building, is a per se public nuisance.

80. Defendant ELLIOTT is now, and for a considerable period of time heretofore, and at all times herein mentioned has been, maintaining the Property in such a hazardous condition as to be dangerous to human life, detrimental to health, a fire hazard, and as a substandard building. The conditions constituting a continuing public nuisance in violation of the San Francisco Housing Code are more fully described above and in Exhibits hereto.

81. Defendant ELLIOTT is now, and for a considerable period of time heretofore, and at all times herein mentioned have been, maintaining the Property in violation of the San Francisco Building Code. Pursuant to Building Code section 102, any building, structure, property, or part thereof, that is structurally unsafe or not provided with adequate egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or was erected, moved, altered, constructed, or maintained in violation of law or ordinance is unsafe and a public nuisance.

82. Defendant ELLIOTT is now, and for a considerable period of time heretofore, and at all times herein mentioned has been, maintaining the Property in a manner that is structurally unsafe and not provided with adequate egress, that constitutes a fire hazard, or is otherwise dangerous to human life, safety or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, and has erected, moved, altered, constructed or maintained the Property in violation of law or ordinance. The conditions constituting the public nuisance are more fully described above and in Exhibits hereto.

83. At all times herein mentioned, Defendant ELLIOTT had notice and knowledge that the Property constituted a public nuisance and an unsafe building or structure because he was repeatedly served with administrative notices and orders issued by DBI, but failed to take reasonable steps to abate the nuisance.

84. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described above.

85. Unless said nuisance is abated, the residents and neighbors, and the citizens of San Francisco will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of life and the free use of property of said residents of San Francisco and the People of the State of California.

86. By maintaining the Property in a manner violating the San Francisco Housing Code, Defendant ELLIOTT has violated, disobeyed, omitted, neglected, and refused to comply with the San Francisco Housing Code and the Notices and Orders issued by DBI and Defendant ELLIOTT is therefore subject to mandatory civil penalties of up to $1,000 per day for each day that the violations existed and were permitted to continue as set forth in Housing Code section 204(c)(2).

87. By maintaining the Property in a manner violating the San Francisco Building Code, Defendant ELLIOTT has violated, disobeyed, omitted, neglected and refused to comply with the San Francisco Building Code and the Notices and Orders issued by DBI and Defendant ELLIOTT is therefore subject to mandatory civil penalties of up to $500 per day for each day that the violations existed and were permitted to continue as set forth in Building Code section 103.

COUNT TWO
GENERAL PUBLIC NUISANCE STATUTE
BROUGHT BY PLAINTIFF PEOPLE AGAINST ALL DEFENDANTS
(Civil Code Sections 3479 and 3480)

88. Plaintiff PEOPLE hereby incorporate by reference Paragraphs 1 through 87, and makes them part of this Third Cause of Action, Count Two, as though fully set forth herein.

89. As described above, Defendant ELLIOTT is now, and for a considerable period of time heretofore, and at all times pertinent to the allegation in this Complaint has been, maintaining the Property in such a manner as to constitute a public nuisance within the meaning of Civil Code sections 3479 and 3480. Both the illegal storage and sale of controlled substances and the maintenance of the residential rental building in a substandard condition are injurious to the health and safety of the residents and the entire community, are offensive to the senses, and interfere with the comfortable enjoyment of life and property within the meaning of Civil Code section 3479. The practices described above also affect a considerable number of persons and an entire community or neighborhood within the meaning of Civil Code section 3480.

90. At all times herein mentioned, Defendant ELLIOTT knew or should have known that the Property was being maintained as a public nuisance, as alleged in the Complaint, but failed to take reasonable steps to abate the nuisance.

91. Unless enjoined, Defendant ELLIOTT will continue to operate the Property in the above-described condition as a public nuisance.

92. Plaintiff PEOPLE have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described above. Unless injunctive relief is granted to enjoin Defendant ELLIOTT, the public will suffer irreparable injury and damage.

93. Unless this nuisance is abated, the residents of the Property and the residents of San Francisco generally, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of life and the free use of property.

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FOURTH CAUSE OF ACTION FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS (Business and Professions Code Sections 17200-17210)

94. Plaintiff PEOPLE hereby incorporates by reference Paragraphs 1 through 93, and makes them a part of this Fourth Cause of Action, as though fully set forth herein.

95. Plaintiff, acting to protect the public as consumers and competitors from unlawful practices, brings this cause of action in the public interest in the name of the People of the State of California, pursuant to Business and Professions Code section 17200-17210.

96. Defendant ELLIOTT owns residential rental property in the City and County of San Francisco, State of California. The violations of law described herein have been and are being carried out wholly or in part within the City and County of San Francisco.

97. Defendant ELLIOTT's actions are in violation of the laws and public policies of the City and County of San Francisco and the State of California and are inimical to the rights and interest of the general public. Unless enjoined and restrained by an order of this Court, Defendant ELLIOTT will continue to engage in the unlawful and unfair acts and course of conduct described herein.

98. Through the conduct described above, Defendant ELLIOTT has engaged in the following unlawful and unfair business practices prohibited by Business and Professions Code sections 17200-17210:

- violating the Drug Abatement Act by permitting the Property to be used for the storage, sale, manufacture, and/or giving away of controlled substances;
- violating the State Housing Law by maintaining the rental Property in substandard condition, endangering the life, limb, health, property, safety and welfare of the occupants, the neighbors, and the public;
- violating the San Francisco Housing Code by maintaining the property with persistent housing code violations, and failing to adequately correct the violations in a timely manner;

- violating the San Francisco Building Code by failing to comply with duly issued Notices of Violation and Orders of Abatement;
- renting substandard property to tenants; and
- creating, permitting, and maintaining a public nuisance at the Property;

99. Plaintiff PEOPLE are likely to have evidentiary support, after reasonable opportunity for further investigation and discovery, to allege that as a direct and proximate result of the foregoing acts and practices, Defendant ELLIOTT received income, savings, capital appreciation, and/or other benefits that he would not have received if he had not engaged in the violations of the Business and Professions Code as described in this Complaint.

100. Plaintiff PEOPLE are likely to have evidentiary support, after a reasonable opportunity for further investigation and discovery, to allege that Defendant ELLIOTT's unlawful and unfair business practices affected and have been perpetrated against one or more senior citizens or disabled persons.

101. The actions and conduct of Defendant ELLIOTT in sustaining these unlawful and unfair business practices has caused residents of the surrounding community and neighborhood to suffer irreparable harm for which this Court should award civil penalties pursuant to Business and Professions Code section 17200 et seq.

102. Plaintiff PEOPLE have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described in this Complaint. Unless enjoined by an order of this Court, Defendant ELLIOTT will continue to engage in unlawful and unfair business practices. Unless enjoined by an order of this Court, the residents of the Property and the residents of San Francisco generally, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of life and the free use of property.

103. Defendant ELLIOTT is liable for civil penalties of up to $2,500 per violation of the Business and Professions Code for each act of unfair competition pursuant to Business and Professions Code section 17206, as well as to disgorgement of profits as authorized by Business and Professions Code section 17203.

104. Defendant ELLIOTT is liable for additional civil penalties of up to $2,500 per violation of the Business and Professions Code for each act of unfair competition perpetrated against one or more senior citizens or disabled persons pursuant to Business and Professions Code section 17206.1.

PRAYER

WHEREFORE, Plaintiffs pray:

1. That the Property and structures located at 517-519 Sanchez Street, together with the fixtures and moveable property therein and thereon, be judicially declared a public nuisance;

2. That Defendant ELLIOTT be ordered to preliminarily and permanently abate the nuisance in accordance with Civil Code section 3494, Code of Civil Procedure section 731, the Drug Abatement Act, the State Housing Law, and the Unfair Competition Law;

3. That Defendant ELLIOTT, his agents, and anyone acting on his behalf, and his heirs and assignees and successors be preliminarily and permanently enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property and structures at 517-519 Sanchez Street as a public nuisance pursuant to Civil Code sections 3479, 3480, and 3494, the Drug Abatement Act, the State Housing Law, and the Unfair Competition Law;

4. That Plaintiffs PEOPLE and CITY recover from Defendant ELLIOTT or his successors, heirs, or assigns, all costs of suit, including attorney's fees, costs of investigation, discovery, enforcement and prosecution, as provided by Civil Code section 3496(c) and Health and Safety Code section 17980.7(d)(1);

5. That Plaintiff CITY shall have a lien upon the Property in the amount expended pursuant to said authority and to have judgment in said amount against Defendant ELLIOTT, his heirs, successors and assigns;

6. That recordation of an abstract of judgment in this case constitute a prior lien over any lien that may be held on the Property by any Defendant to this action;

7. That, pursuant to Health and Safety Code section 11581(b), the public nuisance caused by violations of Health and Safety Code section 11570 be abated by ordering closure of the Property for one year; or in the alternative, by ordering Defendant ELLIOTT to pay damages in an

amount equal to the fair rental value of the Premises for one year pursuant to Health and Safety Code section 11581(c);

8. That, pursuant to Health and Safety Code section 11581, Defendant ELLIOTT be ordered to pay a civil penalty of $25,000 for each violation of Health and Safety Code section 11570;

9. That, pursuant to State Housing Law section 17980.7(b)(1), the Court order Defendant ELLIOTT to not claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the Property for the taxable year of the initial order or notice to the present until all such orders and notices are abated;

10. That, pursuant to Health and Safety Code sections 11573.5(d) and 17980.7(d)(3), Defendant ELLIOTT be ordered to pay relocation expenses to his tenants if they are forced to relocate as a result of an order requiring the building's closure or if the required restorative work renders the building or the individual units unfit for habitation.

11. That, pursuant to the San Francisco Housing Code, Defendant ELLIOTT be ordered to pay civil penalties of $1,000 per day for each day that Housing Code violations were permitted to persist;

12. That, pursuant to the San Francisco Building Code, Defendant ELLIOTT be ordered to pay civil penalties of $500 per day for each day that Building Code violations were permitted to persist;

13. That Defendant ELLIOTT be ordered to cause the Property and any structures on the Property and all parts thereof to conform to law, and henceforth maintain such structures and all parts thereof in accordance with law;

14. That, pursuant to Business and Professions Code section 17206, Defendant ELLIOTT be ordered to pay a civil penalty of $2,500 for each act of unfair competition in violation of Business and Professions Code section 17200, et seq;

15. That, pursuant to Business and Professions Code section 17206.1, Defendant ELLIOTT be ordered to pay an additional $2,500 for each act of unfair competition in violation of

Business and Professions Code section 17200 perpetrated against or affecting a senior citizen or a disabled person;

16. That, pursuant to Business and Professions Code section 17203, Defendant ELLIOTT be ordered to disgorge all illegally obtained profits obtained through their unfair and unlawful business practices in violation of Business and Professions Code sections 17200-17210;

17. That, pursuant to Business and Professions Code Section 17203, that the Court order restitution of all money or property acquired by Defendant ELLIOTT as a result of the unlawful business practices to former and present of occupants of the Property during all times relevant to the Complaint;

18. That Plaintiffs shall have such further and other relief as the court deems just and proper, including attorney's fees and costs as allowed by law.

Dated: November 13, 2015

DENNIS J. HERRERA
City Attorney
THOMAS S. LAKRITZ
Chief Attorney, Code Enforcement
MICHAEL S. WEISS
Deputy City Attorneys

By: _____
MICHAEL S. WEISS
Deputy City Attorney

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO AND
PEOPLE OF THE STATE OF CALIFORNIA

INDEX TO EXHIBITS

Exhibit	Description
A	Property Description
B	First NOV – Case No. 201052431
C	First Order – Case No. 201052431
D	Second NOV – Case No. 201326451
E	Second Order – Case No. 201326451
F	Third NOV – Case No. 201447071
G	Third Order – Case No. 201447071
H	Fourth NOV – Case No. 201457513
I	Fourth Order – Case No. 201457513
J	Fifth NOV – Case No. 201464831
K	Fifth Order – Case No. 201464831
L	Sixth NOV – Case No. 201464951
M	Sixth Order – Case No. 201464951

EXHIBIT A

EXHIBIT A

Property Address:
517-519 Sanchez Street
Block 3585/Lot 065

All that certain Property in the City of San Francisco, County of San Francisco, State of California described as follows:

The land referred to is situated in the State of California, City and County of San Francisco, and is described as follows:

BEGINNING at a point on the easterly line of Sanchez Street, distant thereon 100 feet Southerly from the Southerly line of 18th Street; running thence southerly along the said easterly line of Sanchez Street *25* feet; thence at a right angle easterly 110 feet; thence at a right angle northerly 25 feet; and thence at a right angle Westerly 110 feet to the point of beginning.

BEING a portion of Mission Block No. 93.

APN No: 24-3585-065-01

EXHIBIT B

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 1 **NUMBER:** 201052431
City and County of San Francisco **DATE:** 18-JUN-10
1660 Mission St. San Francisco, CA 94103

ADDRESS: 519 SANCHEZ ST

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES **BLOCK:** 3585 **LOT:** 065

☐ **If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.**

OWNER/AGENT: ELLIOTT JOEL **PHONE #:** --
MAILING ADDRESS ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

PERSON CONTACTED @ SITE: **PHONE #:** --

VIOLATION DESCRIPTION:

	CODE/SECTION#
☑ **WORK WITHOUT PERMIT**	106.1.1
☐ **ADDITIONAL WORK-PERMIT REQUIRED**	106.4.7
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**	106.4.4
☐ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**	102.1

Construction at front stairs. New stringers, railings removed. If 50% of stairs are replaced plans are required. SFBC Section 103A

CORRECTIVE ACTION:

☑ **STOP ALL WORK SFBC 104.2.4** 415-558-6120

☑ **FILE BUILDING PERMIT WITHIN 30 DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

☑ **OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

Obtain building permit for work performed at front stairs.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☑ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER: ☐ REINSPECTION FEE $ ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT **VALUE OF WORK PERFORMED W/O PERMITS $1000**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy
PHONE # 415-558-6120 DIVISION: CES DISTRICT :
By:(Inspectors's Signature) _____

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 2 **NUMBER:** 201052431
City and County of San Francisco **DATE:** 11-FEB-13
1660 Mission St. San Francisco, CA 94103

ADDRESS: 519 SANCHEZ ST

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES **BLOCK:** 3585 **LOT:** 065

☐ **If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.**

OWNER/AGENT: ELLIOTT JOEL **PHONE #:** --
MAILING ADDRESS ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

PERSON CONTACTED @ SITE: ELLIOTT JOEL **PHONE #:** --

VIOLATION DESCRIPTION:

	CODE/SECTION#
☐ **WORK WITHOUT PERMIT**	106.1.1
☐ **ADDITIONAL WORK-PERMIT REQUIRED**	106.4.7
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**	106.4.4
☐ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**	102.1

App#201007025885 to comply with NOV has expired. Therefore this Department has initiated abatement proceedings against this property.

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4**

415-558-6008

☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

☐ **OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**

☑ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED** 18-JUN-10, **THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

This NOV has been referred to our Code Enforcement Section. You will be notified of a date, place and time for the Director's Hearing.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER: ☐ REINSPECTION FEE $ ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT **VALUE OF WORK PERFORMED W/O PERMITS $**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Robert J Power
PHONE # 415-558-6008 DIVISION: BID DISTRICT : 17
By:(Inspectors's Signature) _____

EXHIBIT C

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Acting Director

ORDER OF ABATEMENT

May 30, 2013

Owner:
ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA 94114

Property Address: 519 SANCHEZ ST,

Block: 3585 Lot: 065 Seq: 00
Tract: Case: BWO
Complaint: 201052431

Inspector: Li

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 105352-A

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **May 28, 2013** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS NOT REPRESENTED.**

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

(1) 30 DAYS TO OBTAIN A BUILDING PERMIT AND FINAL INSPECTION APPROVAL FOR FRONT STAIRS REPLACEMENT.

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN FIFTEEN (15) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:

Patrick O'Riordan
Chief Building Inspector
Phone No. (415) 558-6570
Fax No. (415) 558-6261

APPROVED BY:

Tom C. Hui, S.E., C.B.O., Acting Director
Department of Building Inspection
Fax No. (415) 558-6474

EXHIBIT D

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201326451

OWNER/AGENT: ELLIOTT JOEL

MAILING ADDRESS: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

DATE: 23-OCT-13

LOCATION: 519 SANCHEZ ST

BLOCK: 3585 **LOT:** 065

NOTICE TYPE: COMPLAINT

BUILDING TYPE: NA **USE TYPE:** R3

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

	ITEM	DESCRIPTION
1	REPAIR WEATHER PROOFING ON SIDING (1001(h),703 HC)	Prep all peeling exterior painted surfaces including: 1) The front of building.
2	REPAIR WINDOW GLAZING SEAL (1001(h),(j),& 708 HC)	Replace all broken windows including: 1) At the front exterior. 2) interior door on the second floor. 3) rear entry.
3	REPAIR SMOKE DETECTOR (908 911 HC)	Re-install the disabled hard wired smoke alarm located at the front entry.
4	INSTALL CO ALARMS (SF BC 420.4)	Install approved carbon monoxide alarms in the required locations following the manufacturers installation recommendations.
5	REPAIR LIGHT FIXTURE (1001e HC)	Cover the exposed wiring to the ceiling light fixture located in the second room on the left when entering #519.
6	PAINT WALLS (1001b,1301 HC)	Paint all prepped exterior surfaces.
7	Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. For interior or exterior paint removal : Always wet the surface, contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3423, SFBC) Informational packets are available at (415) 558-6088. You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 252-3800 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.	
8	OTHER INTERIOR VIOLATIONS	The second interior door to the left as one enters #519 is poorly hung, drags on the floor, has gaps all around, and the lock is inoperable. Rehang the door so it operates properly.
9	INADEQUATE WEATHERSEAL (703, 708, 1212 HC)	There are gaps at the front entry door that allow drafts to enter. Provide the required weatherseal.

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201326451

10	PROVIDE DEADLATCH LOCKS WITH MIN 1/2" THROW AT EXIT DOORS (706 HC)	Correct the following: 1) repair the disabled deadlatch at the front entry door, tighten the loose handle, and provide a rose plate cover. 2) install a deadlatch or deadbolt to the rear exterior door.
11	INSPECTOR COMMENTS	At the time of re-inspection demonstrate that: 1) the heating system in #519 is working as designed. 2) there are the required trash, compost, and recycle receptacles. 3) the ceiling fixture and wall sconces are in working order (wall sconces had no bulbs at the time of inspection, complainant reports that ceiling fixture blows out new bulbs in approx. 2 weeks).
12	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice. If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection. IMPORTANT NOTE: Due to the violations noted, this property is defined as a Nuisance per sec. 1001-d of the SFHC. Please review the attached "Notice of Violation Warnings" for information regarding failure to comply with this notice.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 22 November 2013 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Stephen Mungovan AT 415-558-6496

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

EXHIBIT E

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201326451

Owner: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

Address: 519 SANCHEZ ST,
Block: 3585 **Lot:** 065 **Seq:** 01
Census Tract: 206 **Source:** DC0
Complaint: 201326451
Date Order of Abatement Issued: January 2, 2014
Inspector/Division: Olivares\HIS
Housing Division Representative: Andy Karcs
Hearing Officer: Tony Grieco

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **December 19, 2013** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **October 23, 2013**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

15 Days to complete all work - as noted in the above referenced NOV

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the Inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Approved for Distribution on January 6, 2014
by Rosemary Bosque, Chief Housing Inspector

EXHIBIT F

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201447071

OWNER/AGENT: ELLIOTT JOEL

MAILING ADDRESS: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA

94114

DATE: 14-JAN-14

LOCATION: 519 SANCHEZ ST

BLOCK: 3585 **LOT:** 065

NOTICE TYPE: CA TASK FORCE

BUILDING TYPE: NA **USE TYPE:** R3

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

	ITEM	DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	Interior locations of the subject property both the lower unit and both floors of the upper unit.
2	PROVIDE HANDRAILS (802(c),1001(b)(13)HC)	Provide handrails on concrete stairs going to lower unit which is 517 Sanchez. A Building Permit will be required for this item. In order to abate this case the Building Permit must be signed off by the Building Inspector prior to reinspection by the Housing Inspector.
3	REPAIR STAIRS (1001(b)(13)HC)	Provide temporary gaurds on main front stairs going to 519 Shanchez.
4	PROVIDE DEADLATCH LOCKS WITH MIN 1/2" THROW AT EXIT DOORS (706 HC)	Provide a latch on the door to 519.
5	REMOVE ALL (I BOLTS OR HASPS) AND ANY OTHER PADLOCKING DEVICES FROM OUTSIDE OF ROOM ENTRY DOORS (707, 807 HC)	Remove hasp on rear bedroom door at top floor of 519.
6	REPAIR BROKEN GLAZING (706 HC)	Repair broken glass on door to rear rooms at top floor of 519.
7	PROVIDE 1/2" THROW DEAD LATCH OR SINGLE CYLINDER 1" THROW DEADBOLT LOCKS (706 HC)	Proper latches and locking devices are required at rear bedroom door at top floor of 519.

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201447071

8 INSPECTOR COMMENTS

It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection.

IMPORTANT NOTE: Due to the violations noted, this property is defined as a Nuisance per sec. 1001-d of the SFHC.

9 INSPECTOR COMMENTS

Repairs cited in this Notice require a Building Permit. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires a permit.
THIS CASE CAN NOT BE ABATED UNTIL THE HOUSING INSPECTOR MAKES A FINAL INSPECTION TO VERIFY THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND FINALIZED. ON REINSPECTION DAY, PRESENT TO THE HOUSING INSPECTOR THE JOB CARD, PERMIT APPLICATION AND PERMITS INDICATING THAT ALL REQUIRED WORK UNDER PERMIT IS COMPLETE. PRIOR TO REINSPECTION BY THE HOUSING INSPECTOR, CALL BUILDING, ELECTRICAL AND/OR PLUMBING INSPECTOR(S) FOR REQUIRED INSPECTION(S).

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 21 February 2014 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Harry DerVartanian AT 415-575-6990

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

EXHIBIT G

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201447071

Owner: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

Address: 519 SANCHEZ ST,
Block: 3585 **Lot:** 065 **Seq:** 01
Census Tract: 206 **Source:** XF0
Complaint: 201447071
Date Order of Abatement Issued: April 3, 2014
Inspector/Division: DerVartanian\HIS
Housing Division Representative: James Sanbonmatsu
Hearing Officer: Tony Grieco

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **April 3, 2014** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **January 14, 2014**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

7 Days to complete all work - appropriate Building permit(s) required

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Rosemary Bosque

Approved for Distribution on April 9, 2014
by Rosemary Bosque, Chief Housing Inspector

EXHIBIT H

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201457513

OWNER/AGENT: ELLIOTT JOEL

MAILING ADDRESS: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

DATE: 14-MAR-14

LOCATION: 519 SANCHEZ ST

BLOCK: 3585 **LOT:** 065

NOTICE TYPE: COMPLAINT

BUILDING TYPE: NA **USE TYPE:** R3

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	ALL VIOLATIONS LISTED BELOW ARE LOCATED IN UNIT #519 UNLESS OTHERWISE NOTED.
2	PROVIDE HEAT TO DWELLING FOR 11 HRS BETWEEN 6:00 A.M. AND 12:00 MIDNIGHT CAPABLE TO MAINTAINING A MIN. ROOM TEMP. OF 70 DEGREES F. (20 DEGREES C.). (701-a HC)	At time of inspection, heating system was not working on the ground floor of unit #519 and the room temperatures were well below 70 degrees. Have heating professional repair, replace or adjust as needed so that the heater works properly and heating requirements are met. Note: all required heat sources must be permanently installed. Plumbing and or Electrical permit will be required for any changes to the heating systems. Provide access to furnace(s) at time of reinspection.
3	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector to furnace room(s) and all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s).

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201457513

4 INSPECTOR COMMENTS

Repairs cited in this Notice may require Building, Plumbing and / or Electrical permits. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s).
THIS CASE CAN NOT BE ABATED UNTIL THE HOUSING INSPECTOR MAKES A FINAL INSPECTION TO VERIFY THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND FINALIZED. ON REINSPECTION DAY, PRESENT TO THE HOUSING INSPECTOR THE JOB CARD, PERMIT APPLICATION AND PERMITS INDICATING THAT ALL REQUIRED WORK UNDER PERMIT IS COMPLETE. PRIOR TO REINSPECTION BY HOUSING INSPECTOR, CALL BUILDING, ELECTRICAL AND/OR PLUMBING INSPECTOR(S) FOR REQUIRED INSPECTION(S).

ALL ITEMS MUST BE COMPLETED WITHIN 3 DAYS. **REINSPECTION DATE :** 18 March 2014 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : David Herring AT 415-558-6212

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

EXHIBIT 1

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201457513

Owner: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

Address: 519 SANCHEZ ST,
Block: 3585 **Lot:** 065 **Seq:** 00
Census Tract: 206 **Source:** DC0
Complaint: 201457513
Date Order of Abatement Issued: April 17, 2014
Inspector/Division: DerVartanian\HIS
Housing Division Representative: Alan Davison
Hearing Officer: Tony Grieco

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **April 17, 2014** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did not** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **April 17, 2014**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

7 Days to complete all work - appropriate Building,Plumbing permit(s) required

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Rosemary Bosque

Approved for Distribution on April 25, 2014
by Rosemary Bosque, Chief Housing Inspector

EXHIBIT J

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201464831

OWNER/AGENT: ELLIOTT JOEL
MAILING ADDRESS: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

DATE: 07-APR-14
LOCATION: 519 SANCHEZ ST
BLOCK: 3585 **LOT :** 065
NOTICE TYPE: CA TASK FORCE

BUILDING TYPE: APT **USE TYPE:** R3

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	Common areas of subject property and ground floor rental space of 519.
2	PROVIDE SMOKE DETECTOR (908,911 HC)	Install missing smoke detectors in bedrooms on level two.
3	REPAIR ELECTRICAL (1001e HC)	Repair improper wiring in second room from front door at the ceiling. NOTE: In order to abate this case the proper Electrical Permit must be obtained and signed off prior to reinspection by the Housing Inspector.
4	REPAIR DETERIORATED DRAINAGE PIPES AT EXTERIOR (1001f HC)	Repair/replace/remove cast iron drainage pipe at rear of building in front of rear door to lower unit. NOTE: In order to abate this case the proper Plumbing Permit must be obtained to make this repair and permit must be signed off by the Plumbing Inspector prior to reinspection by the Housing Inspector.
5	REMOVE RUBBISH OR TRASH (1306,1307 HC)	Remove garbage/trash and debris from rear yard.
6	REPAIR SMOKE ENCLOSURE DOOR (807 707 HC)	Smoke enclosure door to 2nd room from front on north side at level #2 scrapes on the floor, repair this door so that it operates freely.
7	PROVIDE PRIMARY LOCKING DEVICES AT EXTERIOR DOORS (706 HC)	Provide proper lock on door going out to the rear yard.

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201464831

8 INSPECTOR COMMENTS

It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection.

9 INSPECTOR COMMENTS

THIS CASE CAN NOT BE ABATED UNTIL THE HOUSING INSPECTOR MAKES A FINAL INSPECTION TO VERIFY THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND FINALIZED. ON REINSPECTION DAY, PRESENT TO THE HOUSING INSPECTOR THE JOB CARD, PERMIT APPLICATION AND PERMITS INDICATING THAT ALL REQUIRED WORK UNDER PERMIT IS COMPLETE. PRIOR TO REINSPECTION BY THE HOUSING INSPECTOR, CALL BUILDING, ELECTRICAL AND/OR PLUMBING INSPECTOR(S) FOR REQUIRED INSPECTION(S).

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 07 May 2014 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Harry DerVartanian AT 415-575-6990

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

EXHIBIT K

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201464831

Owner: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

Address: 519 SANCHEZ ST,
Block: 3585 **Lot:** 065 **Seq:** 00
Census Tract: 206 **Source:** XF0
Complaint: 201464831
Date Order of Abatement Issued: July 3, 2014
Inspector/Division: DerVartanian\HIS
Housing Division Representative: David Herring
Hearing Officer: Tony Grieco

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **July 3, 2014** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did not** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **April 7, 2014**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

7 **Days to complete all work - appropriate Plumbing permit(s) required**

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Rosemary Bosque

Approved for Distribution on July 17, 2014
by Rosemary Bosque, Chief Housing Inspector

ENTERED

EXHIBIT L

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 1 **NUMBER:** 201464951
City and County of San Francisco **DATE:** 07-APR-14
1660 Mission St. San Francisco, CA 94103

ADDRESS: 519 SANCHEZ ST
OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES **BLOCK:** 3585 **LOT:** 065

☐ **If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.**

OWNER/AGENT: ELLIOTT JOEL **PHONE #:** –
MAILING ADDRESS ~~ELLIOTT JOEL~~
519 SANCHEZ ST
SAN FRANCISCO CA
94114

PERSON CONTACTED @ SITE: **PHONE #:** –

VIOLATION DESCRIPTION:

	CODE/SECTION#
☑ **WORK WITHOUT PERMIT**	106.1.1
☐ **ADDITIONAL WORK-PERMIT REQUIRED**	106.4.7
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**	106.4.4
☐ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**	102.1

-At the rear of the building, porch room, windows have been installed, framing work has been done and siding has been installed in a substandard manner. Permit research shows that no permits were obtained to do any work at the rear porch room area. -In the ground floor unit a heater has been installed improperly and in a substandard manner. Permit research shows that no permits were obtained to install heater.
*Construction without Building Permit (301 HC, 106A, 108.4.1 SFBC)
*Plumbing work without Plumbing Permit (1001-f HC)
*Electrical work without Electrical Permit (1001-e HC)

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4** 415-575-6912

☑ **FILE BUILDING PERMIT WITHIN 15 DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application
☑ **OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 60 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.**
☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**
☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

Submit a copy of this Notice with a Building Permit Application to make corrections to the rear porch area and the heater installation on the ground floor unit. After the Building Permit is issued, Plumbing and Electrical permits and inspections must be obtained. Complete all work, correct all violations and obtain EID, PID and BID final signoffs within 60 days. To abate this Notice of Violations you must contact the Housing Inspector for a final inspection and produce all approved plans Permits and Job Cards finalized by Building, Plumbing and Electrical Inspectors.

INVESTIGATION FEE OR OTHER FEE WILL APPLY
☑ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
☐ OTHER: ☐ REINSPECTION FEE $ ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)
APPROX. DATE OF WORK W/O PERMIT **VALUE OF WORK PERFORMED W/O PERMITS** $5000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

EXHIBIT M

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201464951

Owner: ELLIOTT JOEL
519 SANCHEZ ST
SAN FRANCISCO CA
94114

Address: 519 SANCHEZ ST,
Block: 3585 **Lot:** 065 **Seq:** 00
Census Tract: 206 **Source:** XF1
Complaint: 201464951
Date Order of Abatement Issued: February 5, 2015
Inspector/Division: Lepe\HIS
Housing Division Representative: Jose Lopez
Hearing Officer: Steve Panelli

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **February 5, 2015** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **April 7, 2014**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

21 Days to complete all work - appropriate Building,Electrical,Plumbing permit(s) required

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Approved for Distribution on February 23, 2015
by Rosemary Bosque, Chief Housing Inspector

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
DENNIS J. HERRERA, City Attorney (SBN 139669) THOMAS S. LAKRITZ, Chief Attorney (SBN 161234) MICHAEL S. WEISS, Deputy City Attorney (SBN 168378) 1390 Market Street, Sixth Floor San Francisco, CA 94102 TELEPHONE NO.: 415-554-3824 FAX NO.: 415-437-4644 ATTORNEY FOR (Name): Plaintiffs CCSF and People	FILED Superior Court of California County of San Francisco NOV 19 2015 CLERK OF THE COURT BY: Arlene Ramos Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street, Room 103 CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: SAN FRANCISCO	
CASE NAME: CITY AND COUNTY OF SAN FRANCISCO v. JOEL ELLIOTT	CASE NUMBER: CGC-15-549063

CIVIL CASE COVER SHEET

[X] **Unlimited** (Amount demanded exceeds $25,000) [ ] **Limited** (Amount demanded is $25,000 or less)

Complex Case Designation

[ ] **Counter** [ ] **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [X] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [X] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [X] punitive
4. Number of causes of action *(specify)*: Four
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: November 19, 2015

MICHAEL S. WEISS, Deputy City Attorney
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Legal Solutions Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10

ORIGINAL

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice–Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition